



**State of Michigan**  
**Department of Environmental Quality**  
**HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE**

NAME OF LICENSEE: Environmental Disposal Systems, Inc.

NAME OF OWNER: Remus Joint Venture

NAME OF OPERATOR: Environmental Disposal Systems, Inc.

NAME OF TITLEHOLDER OF LAND: Remus Joint Venture

FACILITY NAME: Environmental Disposal Systems, Inc.

FACILITY LOCATION: 28470 Citrin Drive, Romulus, Michigan

EPA IDENTIFICATION NUMBER: MIR 000 016 055

EFFECTIVE DATE: December 27, 2005

EXPIRATION DATE: December 27, 2015

**AUTHORIZED ACTIVITIES**

Pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), being §§324.11101 to 324.11152 of the Michigan Compiled Laws, and the hazardous waste management administrative rules (hereafter called the "rules") promulgated thereunder, being R 299.9101 *et seq.* of the Michigan Administrative Code, by the Michigan Department of Environmental Quality (MDEQ), an operating license (hereafter called the "license") is issued to Environmental Disposal Systems, Inc. (hereafter called the "licensee"), to operate a hazardous waste management facility located at 28470 Citrin Drive in Romulus, Michigan, at latitude 42°14' 37" and longitude 83°19' 2". The licensee is authorized to operate a facility to conduct the following hazardous waste management activities:

<input checked="" type="checkbox"/> STORAGE	<input checked="" type="checkbox"/> TREATMENT	<input type="checkbox"/> DISPOSAL	<input type="checkbox"/> POSTCLOSURE
<input checked="" type="checkbox"/> Container	<input type="checkbox"/> Container	<input type="checkbox"/> Landfill	<input type="checkbox"/> Tank
<input checked="" type="checkbox"/> Tank	<input checked="" type="checkbox"/> Tank	<input type="checkbox"/> Land Application	<input type="checkbox"/> Surface Impoundment
<input type="checkbox"/> Waste Pile	<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Landfill
<input type="checkbox"/> Surface Impoundment	<input type="checkbox"/> Incinerator	<input type="checkbox"/> Waste Pile	
<input type="checkbox"/> Drip Pad	<input type="checkbox"/> Other:		

**APPLICABLE REGULATIONS AND LICENSE APPROVAL**

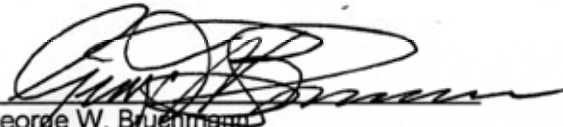
The conditions of this license were developed in accordance with the applicable provisions of the rules, effective December 16, 2004. The licensee shall comply with all terms and conditions of this license. This license consists of the 25 pages of conditions attached hereto (including those in any Attachments 1 through 13) and the applicable regulations contained in R 299.9101 through R 299.11008 as specified in the license. For purposes of compliance with this license, applicable rules are those that are in effect on the date of issuance of this license in accordance with R 299.9521(3)(a). Issuance of this license does not relieve the owner or operator of his or her duty to comply with any statutory or regulatory requirements applicable to the facility that are enacted or promulgated after the license is issued.

This license is based on the information submitted in the operating license application submitted on September 9, 2002, and any subsequent amendments (hereafter referred to as "the application"). Pursuant to R 299.9519(11)(c), the license may be revoked if the licensee fails, in the application or during the license issuance process, to disclose fully all relevant facts or, at any time, misrepresents any relevant facts. As specified in R 299.9519(1), the facility shall be constructed, operated, and maintained in accordance with Part 111 of Act 451, the rules, and this license.

This license is effective on the date of issuance and shall remain in effect for ten years from the date of issuance, unless revoked pursuant to R 299.9519 or continued in effect as provided by the Michigan Administrative Procedures Act, 1969 PA 306, as amended (Act 306). {R 299.9516}.

Issued this 27th day of December, 2005

By: \_\_\_\_\_



George W. Bruenmann  
Chief, Waste and Hazardous Materials Division

ENVIRONMENTAL DISPOSAL SYSTEMS, INC.

MIR 000 016 055

HAZARDOUS WASTE MANAGEMENT FACILITY OPERATING LICENSE

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## PART I

### STANDARD CONDITIONS

#### A. TERMINOLOGY

Throughout this license, "Act 451" means Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and "rules" means the hazardous waste management administrative rules promulgated pursuant to Part 111, Hazardous Waste Management, of Act 451, as in effect on the date of issuance of this license. The term "Waste and Hazardous Materials Division" means the division within the Michigan Department of Environmental Quality (MDEQ) responsible for administering Part 111 of Act 451 and the rules. Throughout this license, "Director" means the Director of the MDEQ or the Director's duly authorized designee such as the Chief of the Waste and Hazardous Materials Division of the MDEQ.

#### B. EFFECT OF LICENSE

Except as otherwise provided by law, any treatment, storage, or disposal of hazardous waste not specifically authorized in this license is prohibited. Issuance of this license does not relieve the owner or operator of his or her duty to comply with the statutory or regulatory requirements applicable to the facility which were enacted or promulgated after this license was issued; nor does it convey property rights of any sort or any exclusive privilege {R 299.9516(7) and 40 Code of Federal Regulations (CFR) §270.30(g), which is adopted by reference (ABR) in R 299.11003}; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of federal, state, or local law or regulations {R 299.9516(8)}; nor does it obviate the necessity of obtaining such licenses or approvals from other units of government as may be required by law. Compliance with the terms of this license does not constitute a warranty or representation of any kind by the MDEQ, nor does the MDEQ intend that compliance with this license constitutes a defense to any order issued or any action brought under Act 451 and any other applicable state statute and Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) {42 USC 9606(a)}, the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and its rules, or any other applicable federal statute. Each attachment to this license is a part of, and is incorporated into, this license and is deemed an enforceable part of the license.

#### C. LICENSE ACTIONS

This license may be modified or revoked in accordance with R 299.9519. The filing of a request for a license modification or revocation, or the notification of planned changes or anticipated noncompliance on the part of the licensee does not stay the applicability or enforceability of any license condition. {R 299.9519, R 299.9521(1)(a) and 40 CFR §270.30(f), which is ABR in R 299.11003}

#### D. SEVERABILITY

The provisions of this license are severable, and if any provision of this license, or the application of any provision of this license to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this license shall not be affected thereby.

#### E. RESPONSIBILITIES

1. The licensee shall comply with Part 111 of Act 451, the rules, and all conditions of this license, except to the extent authorized by the MDEQ pursuant to the terms of an emergency operating license, including, but not limited to: {R 299.9521(1)(a) and (c) and (3)(a) and (b), and 40 CFR §270.30(a), which is ABR in R 299.11003}

- (a) Duty to Reapply. If the licensee wishes to continue an activity regulated by this license after the expiration date of this license, the licensee shall submit a complete application for a new license to the Chief of the Waste and Hazardous Materials Division at least 180 days before this license expires, unless an extension is granted pursuant to R 299.9510(5). {R 299.9521(1)(a) and (c) and (3)(a), and 40 CFR §270.30(b), which is ABR in R 299.11003}

- (b) License Expiration. To the extent the licensee makes a timely and sufficient application for renewal of this license, this license and all conditions herein will remain in effect beyond the license expiration date and shall not expire until a decision on the application is finally made by the MDEQ, and if the application is denied or the terms of the new license are limited, until the last day for applying for judicial review of the new license or a later date fixed by order of the reviewing court consistent with Section 91(2) of Act 306. {Section 91 of Act 306, R 299.9521(1)(c) and (3)(a)}
- (c) Inspection and Entry. The licensee shall allow the Chief of the Waste and Hazardous Materials Division, or any authorized representative, upon the presentation of credentials and other documents as may be required by law, to sample or monitor, at reasonable times, any substances or parameters at any location for the purpose of determining:
- (i) Whether the management of hazardous waste may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing danger to public health or the environment;
  - (ii) Whether cause exists for an enforcement action, license revocation, license modification, denial of a license renewal application, or to determine compliance with this license.
- If samples are taken for analysis, duplicate samples and a copy of the analytical results shall be furnished to the licensee upon request.
- {Sections 11146(1) and (2) and 11148(1) of Act 451, R 299.9521(1)(a), and 40 CFR §270.30(i), which is ABR in R 299.11003}
- (d) Specific Monitoring Requirements. The Chief of the Waste and Hazardous Materials Division reserves authority to modify the license pursuant to R 299.9519 to require specific monitoring for hazardous wastes or hazardous waste constituents, in addition to those requirements detailed in this license, if the Chief of the Waste and Hazardous Materials Division finds that additional monitoring is needed to demonstrate compliance with this license, Part 111 of Act 451 and the rules. {R 299.9611(5)}
- (e) Notice of Facility Modifications. The licensee shall give notice to the Chief of the Waste and Hazardous Materials Division as soon as possible prior to any planned physical alterations or additions to the licensed facility. {R 299.9519(1)}
- (f) License Amendments for Facility Modifications. The licensee shall request and obtain a license amendment prior to undertaking any modifications to the facility. Except as otherwise authorized by Part 111 of Act 451 and the rules, the licensee shall obtain a construction permit prior to expanding, enlarging, or altering the facility. {R 299.9501(1), R 299.9519, and R 299.9521(1)(b)(i)}
- (g) Submission of Statements and Certifications for Construction and Capability. The licensee shall submit to the Chief of the Waste and Hazardous Materials Division, by certified mail or hand delivery, a letter signed by the licensee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the license and approved plans and the certifications of construction and capability required pursuant to Section 11123(3) of Act 451. The licensee shall not treat, store, or dispose of hazardous waste in the modified portion of the facility until one of the following conditions is met:
- (i) The Chief of the Waste and Hazardous Materials Division, or the authorized representative, has inspected the modified facility and finds it is in compliance with the conditions of the license;

- (ii) If within 15 days after the date of submission of the letter in Condition I.E.1.(g) of this license, the licensee has not received notice from the Chief of the Waste and Hazardous Materials Division of his or her intent to inspect, prior inspection is waived, and the licensee may commence treatment, storage, or disposal of hazardous waste.

{R 299.9521(1)(b)(ii)}

- (h) Anticipated Noncompliance. The licensee shall give advance notice to the Chief of the Waste and Hazardous Materials Division as soon as the licensee becomes aware of any planned changes or activity in the licensed facility which may result in noncompliance with license requirements. {R 299.9521(1)(a) and 40 CFR §270.30(l)(2), which is ABR in R 299.11003}
  - (i) Transfer of License. The licensee shall obtain the approval of the Chief of the Waste and Hazardous Materials Division by a modification to the license, prior to transferring ownership or operation of the facility to another person. In addition, the licensee shall comply with the requirements of R 299.9605 when transferring the ownership of the facility. The new owner/operator shall not accept hazardous waste at the facility unless the Chief of the Waste and Hazardous Materials Division has issued the license modification. {R 299.9522}
  - (j) Other Information. Whenever the licensee becomes aware that he or she failed to submit any relevant facts in the license or license application, or submitted incorrect information in a license or license application or in any report to the Chief of the Waste and Hazardous Materials Division, the licensee shall promptly submit such facts or information. {R 299.9521(1)(a) and 40 CFR §270.30(l)(11), which is ABR in R 299.11003}
2. The licensee shall comply with the requirements of 40 CFR §270.30(c)-(e) and (h)-(j), including those requirements pertaining to:
- (a) Need to halt or reduce activity not a defense,
  - (b) Duty to mitigate,
  - (c) Proper operation and maintenance,
  - (d) Duty to provide information,
  - (e) Inspection and entry,
  - (f) Monitoring and records.
- {R 299.9521(1)(a) and 40 CFR §270.30(c)-(e) and (h)-(j), which are ABR in R 299.11003}
3. Any license noncompliance, except to the extent authorized by the MDEQ pursuant to the terms of an emergency operating license, constitutes a violation of Part 111 of Act 451 and is grounds for enforcement action, license revocation, license modification, or denial of a license renewal application. {R 299.9521(1)(a) and 40 CFR §270.30(a), which is ABR in R 299.11003}

#### F. **SIGNATORY REQUIREMENT**

The licensee shall ensure that all reports required by this license or other information requested by the Chief of the Waste and Hazardous Materials Division, or authorized representative, are signed and certified in accordance with R 299.9610(4), by a responsible corporate officer, as defined in 40 CFR §270.11, which is ABR in R 299.11003. {R 299.9521(1)(a) and 40 CFR §270.30(k), which is ABR in R 299.11003}



**G. SUBMITTAL DUE DATES AND DEADLINES**

When the due date or deadline for submission of applications, reports, records, and monitoring results required under this license falls on a weekend or legal state holiday, the due date or deadline shall be extended to the next regular business day, and reports, records, and monitoring results shall be considered submitted on a timely basis if submitted by the next regular business day. This extension does not apply to the submittal due date or deadline for financial mechanisms, and associated renewals, replacements, and extensions of financial mechanisms required under this license. The licensee may request extension of the due dates or deadlines for submittals required under this license. The licensee shall submit such requests at least five business days prior to the existing due date or deadline for review and approval by the Chief of the Waste and Hazardous Materials Division. Written extension requests shall include justification for each extension. {R 299.9521(3)(a)}

## **PART II**

### **GENERAL OPERATING CONDITIONS**

#### **A. DESIGN AND OPERATION OF FACILITY**

The licensee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the environment, including air, soil, or waters of the state which could threaten human health or welfare or the environment. {R 299.9602, R 299.9606, R 299.9607, and 40 CFR §§264.31 and 264.51, which are ABR in R 299.11003}

#### **B. REQUIRED NOTICE**

1. The licensee shall notify the Chief of the Waste and Hazardous Materials Division in writing at least four weeks in advance of the date that the licensee expects to receive hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source is not required. When receiving such hazardous waste, the licensee shall comply with applicable laws, including, but not limited to, any treaties or other agreements entered into between the country in which the foreign source is located and the United States. {R 299.9605(1) and 40 CFR §264.12(a), which is ABR in R 299.11003}
2. When the licensee is to receive hazardous waste from an off-site source (except where the licensee is also the generator), the licensee must inform the generator in writing that the licensee has the appropriate license for, and will accept, the waste the generator is shipping. The licensee must keep a copy of this written notice as part of the operating record (see Condition II.L.1. of this license). {R 299.9605(1) and 40 CFR §264.12(b), which is ABR in R 299.11003}

#### **C. GENERAL WASTE ANALYSIS**

The licensee shall ensure that any waste stored, treated, or disposed at the facility has been properly characterized pursuant to R 299.9302, and comply with the procedures described in the attached waste analysis plan, Attachment 2 of this license. {R 299.9605(1), and 40 CFR §264.13, which is ABR in R 299.11003}

#### **D. QUALITY ASSURANCE/QUALITY CONTROL REQUIREMENTS**

The licensee shall ensure that all samples collected for the purposes of waste characterization and environmental monitoring are collected, transported, analyzed, stored, and disposed of by trained and qualified individuals in accordance with their Quality Assurance/Quality Control (QA/QC) Plan. The QA/QC Plan shall, at a minimum, include the written procedures outlined in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," United States Environmental Protection Agency (U.S. EPA) Publication SW-846, Third Edition, Chapter 1 (November 1986), and its Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), III (December 1996), and IIIA (April 1998), and any facility or contractor's written standard operating procedures (SOPs) which are equivalent or more stringent than SW-846, Chapter 1. The licensee shall make the written QA/QC Plan available to the Chief of the Waste and Hazardous Materials Division or an authorized representative upon request. {R 299.9521(3)(a) and (b), R 299.9611(2), and R 299.11005}

#### **E. SECURITY**

The licensee shall comply with the security requirements of R 299.9605(1) and 40 CFR §264.14, which is ABR in R 299.11003.

**F. GENERAL INSPECTION REQUIREMENTS**

1. The licensee shall inspect the hazardous waste management facility, remedy any deterioration or malfunction of equipment or structures, and document inspections and remedies in accordance with the attached inspection schedule, Attachment 3 of this license, and the provisions of 40 CFR §264.15 which is ABR in R 299.11003. {R 299.9605(1)}
2. The licensee shall develop and implement a procedure to ensure compliance with the requirements of R 299.9605(2).

**G. PERSONNEL TRAINING**

The licensee shall conduct personnel training as required by R 299.9605(1) and 40 CFR §264.16, which is ABR in R 299.11003. This training program shall, at a minimum, cover all items in the attached outline, Attachment 4 of this license. The licensee shall maintain training documents and records as required by R 299.9605 and 40 CFR §264.16(d), which is ABR in R 299.11003.

**H. PREPAREDNESS AND PREVENTION**

1. The licensee shall comply with the preparedness and prevention requirements of R 299.9606, including, but not limited to, required equipment, testing, and maintenance of equipment, access to communications and alarm systems, required aisle space, and arrangements with emergency response teams. {R 299.9606 and 40 CFR Part 264, Subpart C, which is ABR in R 299.11003}
2. The licensee shall install and maintain an alarm system that automatically notifies the city of Romulus in the event of an emergency that requires implementation of the contingency plan.
3. The licensee shall maintain fire hydrants at the facility in accordance with city of Romulus requirements.
4. The licensee shall maintain a looped water supply to the site in accordance with city of Romulus requirements for water at adequate volume and pressure.
5. The licensee shall maintain an unobstructed alternate emergency access/egress road to the site, either along the railroad between Inkster Road and the southeast corner of the site, or across the railroad south to Wick Road.

**I. CONTINGENCY PLAN**

The licensee shall comply with the contingency plan requirements of R 299.9607. The contingency plan, Attachment 5 of this license, and the prescribed emergency procedures shall be immediately implemented by the licensee whenever there is a fire, explosion, or other release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment, or if the licensee has knowledge that a spill has reached surface water or groundwater. {R 299.9607 and 40 CFR Part 264, Subpart D, which is ABR in R 299.11003}

**J. DUTY TO MITIGATE**

Upon notification from the Chief of the Waste and Hazardous Materials Division or his or her designee that an activity at the facility may present an imminent and substantial endangerment to human health or the environment, the licensee shall immediately comply with an order issued by the Chief of the Waste and Hazardous Materials Division pursuant to Section 11148(1) of Act 451 to halt such activity and conduct other activities as required by the Chief of the Waste and Hazardous Materials Division to eliminate the said endangerment. The licensee shall not resume the halted activity without the prior written approval from the Chief of the Waste and Hazardous Materials Division. {Section 11148 of Act 451 and R 299.9521(3)(b)}

**K. MANIFEST SYSTEM**

1. The licensee shall comply with the manifest requirements of R 299.9304, R 299.9305, and R 299.9608.
2. The licensee shall follow the rejected load procedures included in waste analysis plan, Attachment 2 of this license.

**L. RECORDKEEPING AND REPORTING**

1. Operating Record. The licensee shall maintain a written operating record at the facility, until closure of the facility. {R 299.9609 and 40 CFR §264.73 and Part 264, Appendix I, which are ABR in R 299.11003}
2. Biennial Report. The licensee shall comply with the biennial report requirements of R 299.9610. A single copy of the biennial report shall be submitted to the Chief of the Waste and Hazardous Materials Division by March 1 of each even numbered year by mailing it to: Biennial Report Coordinator, Department of Environmental Quality, Waste and Hazardous Materials Division, P.O. Box 30241, Lansing, Michigan 48909-7741. {R 299.9521(1)(a) and R 299.9610 and 40 CFR §270.30(l)(9), which is ABR in R 299.11003}
3. Environmental Monitoring Reports. The licensee shall submit the results of all environmental monitoring required by this license in the form of an Environmental Monitoring Report to the Chief of the Waste and Hazardous Materials Division within 60 days after sample collection. {R 299.9521(1)(a) and 40 CFR §270.30(l)(4), which is ABR in R 299.11003}
4. Environmental Monitoring Data Availability. The licensee shall provide environmental monitoring information or data which it is required to generate pursuant to this license to an authorized representative of an environmental or emergency response department of the city of Romulus or Wayne County who requests such information and data and who has jurisdiction over the facility. Such information or data shall be made available on the same day the licensee forwards this information to the Chief of the Waste and Hazardous Materials Division. {R 299.9521(3)(b)}
5. Additional Environmental Sampling and Analysis. If the licensee conducts any additional environmental sampling or analysis beyond that required by this license, the results of such sampling or analysis shall be reported in accordance with Condition II.L.3. of this license. Such increased frequency shall also be indicated in the Environmental Monitoring Report. {R 299.9521(1)(a), R 299.9521(3)(b), and 40 CFR §270.30(l)(4), which is ABR in R 299.11003}
6. Reporting of Noncompliance. The licensee shall immediately report to the Chief of the Waste and Hazardous Materials Division any noncompliance with the license that may endanger human health or the environment. The licensee shall fulfill this reporting requirement by doing both of the following:
  - (a) The licensee shall immediately contact the Chief of the Waste and Hazardous Materials Division at 517-335-2690, if the noncompliance occurs during the period 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays, or by calling the MDEQ Pollution Emergency Alerting System (PEAS) telephone number 1-800-292-4706 during all other times. This report shall include the following:
    - (i) Information concerning the release or discharge of any hazardous waste or hazardous waste constituent that may endanger public drinking water supplies or the environment;
    - (ii) Information concerning the fire, explosion, or other release or discharge of any hazardous waste or hazardous waste constituent which could threaten human health or the environment or a spill that has reached surface water or groundwater;
    - (iii) A description of the occurrence and its cause, including all of the information outlined in R 299.9607(2)(a)-(i).

- (b) The licensee shall also follow-up the verbal report by providing a written report to the Chief of the Waste and Hazardous Materials Division and copies to the city of Romulus, city of Taylor, and Wayne County within five days after the time the licensee becomes aware of the circumstances. The written report shall contain all of the information in Condition II.L.6.(a)(i)-(iii) of this license along with a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); whether the noncompliance has been corrected and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance and when those activities occurred or will occur. The licensee need not comply with the five-day written notice requirement if the Chief of the Waste and Hazardous Materials Division waives the requirement and the licensee submits a written report containing this information within 15 days after the time the licensee becomes aware of the circumstances.

{R 299.9521(1)(a) and R 299.9607 and 40 CFR §270.30(l)(6), which is ABR in R 299.11003}

7. Other Noncompliance. The licensee shall report all other instances of noncompliance with this license, Part 111 of Act 451, the rules, and any other applicable environmental laws or rules that apply to the licensed facility, at the time monitoring reports required by this license are submitted or within 30 days, whichever is sooner. The reports shall contain the information listed in Condition II.L.6. of this license. {R 299.9521(1)(a) and 40 CFR §270.30(l)(10), which is ABR in R 299.11003}
8. Form Modification. The licensee may make minor modifications to the forms contained in the attachments to this license. The modifications may include changing the format, updating existing references and information, adding necessary information, and changing certification and notification information in accordance with Part 111 of Act 451 and its rules, and RCRA and its regulations. The licensee shall submit the modifications to the Chief of the Waste and Hazardous Materials Division prior to implementing the use of the modified form(s). If the Chief of the Waste and Hazardous Materials Division does not reject or require revision of the modified form(s) within 14 days after receipt, the licensee shall implement use of the modified form(s) and the form(s) shall be incorporated into this license as a replacement for the existing form(s).

#### **M. CLOSURE**

The licensee shall comply with the closure requirements of R 299.9613, including, but not limited to, performance standards, amendment of closure plans, notification of closure, time allowed for closure, disposal or decontamination of equipment, and certification of closure. The licensee shall close the facility in accordance with the closure plan, Attachment 6 of this license, all other applicable requirements of this license, and all other applicable laws. The licensee shall submit a proposed amended copy of the closure plan to the Chief of the Waste and Hazardous Materials Division at the same time such a license modification is requested. {R 299.9613 and 40 CFR Part 264, Subpart G, except 40 CFR §§264.112(d)(1), 264.115, and 264.120, which is ABR in R 299.11003}

#### **N. COST ESTIMATE FOR FACILITY CLOSURE**

1. At the time of issuance of this license, the closure cost estimate is \$621,783.
2. The licensee shall comply with the closure cost estimate requirements of R 299.9702, including, but not limited to, adjustment of the closure cost estimate and maintenance of the latest cost estimate at the facility. {R 299.9702 and 40 CFR §264.142, which is ABR in R 299.11003}

#### **O. FINANCIAL ASSURANCE FOR FACILITY CLOSURE**

1. The licensee shall provide and continuously maintain closure financial assurance in accordance with R 299.9703 in an amount at least equal to the cost estimate required by Condition II.N. of this license. The licensee shall submit all proposed changes in the mechanism(s), other than renewals, extensions, or increases in the amount of assurance, to the Chief of the Waste and Hazardous Materials Division and obtain his approval prior to implementation. The licensee shall provide the Chief of the Waste and Hazardous Materials Division with a signed original of all revisions and renewals within 60 days after such

revision or renewal, by the applicable deadlines specified in R 299.9704 through R 299.9709, and prior to the anniversary of the establishment of the financial mechanism(s) provided to satisfy the requirements of this condition.

2. Whenever the current closure cost estimate increases to an amount greater than the current amount of the associated financial mechanism(s), the licensee shall, within 60 days after the increase, either increase the amount of the mechanism(s) to an amount at least equal to the increased closure cost estimate, or provide an additional financial mechanism approved by the Chief of the Waste and Hazardous Materials Division for an amount at least equal to the difference between the current amount of financial assurance and the increased closure cost estimate. Evidence of such increased financial assurance must be submitted to the Chief of the Waste and Hazardous Materials Division during the 60-day period.

**P. LIABILITY REQUIREMENTS**

The licensee shall continuously maintain liability coverage for sudden and accidental occurrences as required by R 299.9710. The licensee shall submit to the Chief of the Waste and Hazardous Materials Division a signed original pollution liability insurance amendatory endorsement or other financial mechanism approved by the Chief of the Waste and Hazardous Materials Division prior to the anniversary date of the establishment of the mechanism(s) used to satisfy the requirements of this condition. In the case of the financial test or corporate guarantee, the licensee shall submit the updated financial information within 90 days after the close of each succeeding fiscal year.

**Q. WASTE MINIMIZATION**

The licensee shall certify, at least annually, that the licensee has a program in place to reduce the volume and toxicity of hazardous waste that the licensee generates to the degree determined by the licensee to be economically practicable; and the proposed method of treatment, storage, or disposal is the practicable method currently available to the licensee which minimizes the present and future threat to human health and the environment. The certification shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility. {R 299.9609(1)(a), 40 CFR §264.73(b)(9), which is ABR in R 299.11003, and Section 3005(h) of RCRA, 42 U.S.C. Section 6925(h)}

**R. LAND DISPOSAL RESTRICTIONS**

The licensee shall comply with all of the requirements of 40 CFR Part 268. The licensee shall have and maintain an exemption from the land disposal restrictions for the injection wells pursuant to 40 CFR Part 148, and comply with all conditions thereunder. {R 299.9627 and 40 CFR Part 268, which is ABR in R 299.11003}

**S. AIR EMISSION STANDARDS**

1. The licensee shall comply with the requirements of 40 CFR Part 264, Subpart CC, regarding air emission standards for tanks, surface impoundments, and containers. {R 299.9634 and 40 CFR Part 264, Subpart CC, which is ABR in R 299.11003}
2. The licensee shall notify the Chief of the Waste and Hazardous Materials Division of any waste management units which become subject to the requirements of 40 CFR Part 264, Subparts AA, BB, and CC within 30 days after the start of the regulated activity. {R 299.9630, R 299.9631, R 299.9634, and 40 CFR Part 264, Subparts AA, BB, and CC, which are ABR in R 299.11003}

**T. DOCUMENTS TO BE MAINTAINED AT THE FACILITY**

The licensee shall maintain at the facility the following documents and amendments required by this license, until closure/postclosure is completed, certified by an independent registered professional engineer, and the facility is released from financial assurance requirements for closure/postclosure by the Director:

1. Waste analysis plan, including QA/QC plan.
2. Inspection schedules.

3. Personnel training documents and records.
  4. Contingency plan.
  5. Closure plan.
  6. Cost estimate for facility closure and copies of related financial assurance documents.
  7. Operating record.
  8. Site security plan.
  9. Facility engineering plans.
  10. Recordkeeping procedures.
  11. Environmental monitoring plans, including sampling and analysis plans and QA/QC plans.
  12. Environmental monitoring data and statistical records.
  13. Preventive procedures (personnel protection plan).
- {R 299.9521(3)(a)}

#### **U. TRUCK TRAFFIC**

1. The licensee shall limit over-the-road hazardous waste deliveries to the facility via tanker truck to no more than 26 tanker trucks per day. An increase in the daily limit of tanker trucks requires a major modification to this license in accordance with the provisions of R 299.9519.
2. The licensee shall require all tanker trucks and other vehicles delivering hazardous wastes to the facility to follow the truck route in Attachment 12 of this license. The Chief of the Waste and Hazardous Materials Division may approve an alternate route proposed by the licensee, either on a permanent or temporary basis, if the truck route in Attachment 12 is blocked or otherwise not available.
3. The licensee shall limit the on-site staging and parking of tanker trucks and other vehicles delivering hazardous wastes to the facility to no more than 16.
4. The licensee shall prevent tanker trucks and other vehicles delivering hazardous wastes to the facility from parking and staging on Citrin Drive.

#### **V. COMMUNITY MITIGATION AGREEMENT**

The licensee shall comply with the Community Mitigation Agreement, Attachment 13 of this license. The licensee shall submit proposed amendments to the Community Mitigation Agreement to the Chief of the Waste and Hazardous Materials Division for approval in accordance with the provisions for minor modifications in R 299.9519(6).

#### **W. HAZARDOUS WASTE PROCESSING**

The licensee shall process all hazardous waste to be disposed in the injection wells through the storage and treatment facility. Direct injection of hazardous waste from tankers or containers is prohibited.

{Section 324.11118a}

#### **X. ENGINEERING PLANS**

The licensee shall operate and maintain the facility in accordance with the Engineering Plans, Attachment 1 of this license, and any modifications to those plans made in accordance with this license. {R 299.9521(3)(b)}

### **PART III CONTAINER STORAGE CONDITIONS**

#### **A. COVERAGE OF LICENSE**

1. The hazardous waste container storage areas at the facility shown on Sheets C1.01, M2.01, and M3.03 are covered by this license. Any expansion or enlargement beyond the facility boundary shown on Sheets C1.01 and M2.01 or beyond the 11,000-gallon drum storage design capacity and the 92,000-gallon rail car storage design capacity requires a construction license from the Director.  
{R 299.9521(1)(b)}
2. Sheets C1.01, M2.01, and M3.03 are incorporated into this license as part of Attachment 1.

#### **B. WASTE IDENTIFICATION AND QUANTITY**

1. The licensee may store no more than a total volume of 11,000 gallons of the hazardous wastes listed in Attachment 7 in containers in the drum storage area at the facility, subject to the terms of this license. The maximum number of containers of hazardous waste that may be stored in the drum storage area is 200 55-gallon containers.
2. The licensee may store no more than a total volume of 92,000 gallons of the hazardous wastes listed in Attachment 7 in rail tanker cars in the secondarily-contained railcar storage and unloading area at the facility, subject to the terms of this license. The maximum number of rail tanker cars of hazardous wastes that may be stored in the railcar storage and unloading area is four 23,000-gallon containers.
3. The wastes must be nonignitable, nonreactive, and nonradioactive wastewaters that do not contain regulated polychlorinated biphenyls (PCBs), pesticides, herbicides, medical wastes, explosives, poisons, greater than 30 milligrams per kilogram (mg/kg) reactive cyanides, greater than 200 parts per million (ppm) reactive sulfides, or more than ten percent volatile organics. For purposes of this license, the term "nonradioactive wastewaters" means wastewaters that are not source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2011 *et seq.*
4. Storage of flammable or combustible liquids in the drum storage area is prohibited.

{R 299.9521(2)(d)}

#### **C. CONDITION OF CONTAINERS**

If a container holding hazardous waste is not in good condition (e.g., rusting, apparent structural defects) or if it begins to leak, the licensee shall transfer the hazardous waste from such container to a container that is in good condition, or otherwise manage the waste in compliance with the conditions of this license. {R 299.9614(1)(a) and 40 CFR §264.171, which is ABR in R 299.11003}

#### **D. COMPATIBILITY OF WASTE WITH CONTAINERS**

The licensee shall ensure that the ability of the containers to contain the waste is not impaired. {R 299.9614 and 40 CFR §264.172, which is ABR in R 299.11003}

#### **E. MANAGEMENT OF CONTAINERS**

1. The licensee shall keep all containers holding hazardous waste closed during storage except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the containers or cause them to leak. {R 299.9614 and 40 CFR §264.173, which is ABR in R 299.11003}
2. The licensee shall ensure that each container of hazardous waste in the container storage area referenced in Condition III.A. of this license is labeled or clearly marked with the words "Hazardous Waste," the hazardous waste number, and the date it was accepted for storage so that compliance with



the one-year storage limit can be assessed. The labels on each container shall be visible for inspection. {R 299.9521(3)(b), R 299.9614, R 299.9627, and 40 CFR §268.50(a)(2)(i), which is ABR in R 299.11003}

3. The licensee shall only place containers into the hazardous waste container storage area referenced in Condition III.A. of this license in accordance with the configuration shown in Sheets M2.01 and M3.03 in Attachment 1 of this license or an alternate configuration approved by the Chief of the Waste and Hazardous Materials Division. {R 299.9521(3)(b)}
4. The licensee shall not stack containers of hazardous waste greater than two high, except the licensee may stack containers in modular, three-tier vertical drum storage structures with sumps. {R 299.9521(3)(b)}
5. The licensee shall not store any container of hazardous waste for more than one year in the container storage areas referenced in Condition III.A. of this license prior to treatment of its contents on-site or shipment off-site to another appropriately licensed hazardous waste treatment or disposal facility, except as approved by the Chief of the Waste and Hazardous Materials Division based on a petition demonstrating that such storage is solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. {R 299.9521(3)(b), R 299.9627, and 40 CFR Part 268, which is ABR in R 299.11003}
6. The licensee shall not store roll-off boxes of sludge at the facility. Roll-off boxes removed from the sludge dryer area must be transported off-site for disposal.
7. Rail tanker cars that contain combustible liquids shall be off-loaded within 48 hours of their arrival at the facility.

**F. CONTAINMENT**

The licensee shall operate and maintain the containment systems in accordance with the requirements of R 299.9614 and 40 CFR §264.175, which is ABR in R 299.11003, and the attached plans in Attachment 1 of this license.

**G. PROHIBITION ON STORAGE OF IGNITABLE OR REACTIVE WASTES**

The licensee is prohibited from storing ignitable and reactive wastes in the hazardous waste container storage areas referenced in Condition III.A. of this license. {R 299.9521(2)(d) and (3)(b)}

**H. SPECIAL REQUIREMENTS FOR STORAGE OF INCOMPATIBLE WASTES OR MATERIALS**

1. The licensee is prohibited from placing incompatible wastes or incompatible wastes and materials in the same container. {R 299.9521(2)(d) and (3)(b)}
2. The licensee shall prevent the placement of hazardous waste in an unwashed container that previously held an incompatible waste or material. {R 299.9614 and 40 CFR §264.177(b), which is ABR in R 299.11003}
3. The licensee shall separate containers of acid wastes, base wastes, and other incompatible wastes as shown on Sheets M2.01 and M3.03 in Attachment 1 of this license. {R 299.9614 and 40 CFR §264.177(c), which is ABR in R 299.11003.}
4. The licensee shall document compliance with Conditions IV.H.1. and IV.H.2. of this license and place this documentation in the operating record (Condition II.L.1. of this license). {R 299.9605 and 40 CFR §264.17(c), which is ABR in R 299.11003}

**I. DISPOSITION OF ACCUMULATED LIQUIDS**

1. The licensee shall remove all liquids accumulated in the containment systems within 24 hours of detection and manage the liquids in accordance with the requirements of Part 111 of Act 451 and the rules, as specified in Attachment 8 of this license. {R 299.9521(3)(b), R 299.9614(1)(a) and 40 CFR §264.175(b)(5), which is ABR in R 299.11003}
2. The licensee shall rinse clean the secondary containment for the container process area each day that wastes are transferred from containers to the storage tanks.
3. The licensee shall remove all accumulated liquids from the Rinse Wastewater Vault on a daily basis.

## PART IV

### TANK SYSTEM STORAGE AND TREATMENT CONDITIONS

#### A. COVERAGE OF LICENSE

- The hazardous waste tank system storage and treatment area at the facility shown on Sheets M2.01, M3.01, M3.02, and M3.03 is covered by this license. Any expansion or enlargement beyond the facility boundary shown on Sheet M2.01 or beyond the 267,900-gallon tank system storage design capacity requires a construction license from the Director. {R 299.9521(1)(b)}
- Sheets M2.01, M3.01, M3.02, and M3.03 are incorporated into this license as part of Attachment 1.

#### B. WASTE IDENTIFICATION AND QUANTITY

- The licensee may store no more than a total volume of 267,900 gallons of the hazardous wastes listed in Attachment 7 in the tank systems identified in the following table, subject to the restrictions in the table and the terms of this license. {R 299.9521(2)(d)}

Tank Number*	Description	Capacity (gallons)	Restrictions
RT-1	Acid Receiving	16,950	Acid wastes only
RT-2	Acid Receiving	16,950	Acid wastes only
RT-3	Acid Receiving	16,950	Acid wastes only
RT-4	Acid Receiving	16,950	Acid wastes only
RT-5	Base Receiving	16,950	Base wastes only
RT-6	Base Receiving	16,950	Base wastes only
RT-7	Base Receiving	16,950	Base wastes only
RT-8	Base Receiving	16,950	Base wastes only
RT-9	Receiving	13,316	Neutral pH, compatible wastes only
RT-10	Incompatible Receiving	7,500	
OWS-1	Oil Water Separator	2,600	Acid wastes only
OWS-2	Oil Water Separator	2,600	Base wastes only
PST-1	Incompatible Settling	6,770	
PST-2	Acid Settling	6,770	Acid wastes only
PST-3	Acid Settling	6,770	Acid wastes only
PST-4	Acid Settling	6,770	Acid wastes only
PST-5	Base Settling	6,770	Base wastes only
PST-6	Base Settling	6,770	Base wastes only
FFT-1	Flocculation	1,440	
FFT-2	Flocculation	1,440	
IPC-1	Inclined Plate Clarifier	2,917	
IPC-2	Inclined Plate Clarifier	2,917	
ST-1	Acid Sludge Storage	20,000	Sludges from acid waste treatment only
ST-2	Base Sludge Storage	20,000	Sludges from base waste treatment only
SST-1	Secondary Storage	16,950	Treated waste prior to deep well injection
Total		267,900	

\*The tank numbers correspond to the tank numbers on Sheet M2.01 in license Attachment 1.

- The wastes must be nonignitable, nonreactive, and nonradioactive wastewaters that do not contain regulated PCBs, pesticides, herbicides, medical wastes, explosives, poisons, greater than 30 mg/kg reactive cyanides, greater than 200 ppm reactive sulfides, or more than ten percent volatile organics.

**C. WASTE TREATMENT CAPACITY AND METHODS**

1. The licensee may treat no more than a total volume of 400,000 gallons per day of the hazardous wastes listed in Attachment 7 in tank systems in accordance with the following table, subject to the terms of this license. {R 299.9521(2)(d) and (3)(a) and (b)}

Unit Number(s)*	Unit Description	Authorized Process	Restrictions
OWS-1	Oil Water Separator	Physical separation of oils from wastewater	Acid wastes only
OWS-2	Oil Water Separator	Physical separation of oils from wastewater	Base wastes only
PST-1	Incompatible Settling	Primary solids settling of incompatible wastes and stabilization of incompatible waste sludges with lime slurry	
PST-2 PST-3 PST-4	Acid Settling	Primary solids settling of acid wastes	Acid wastes only
PST-5 PST-6	Base Settling	Primary solids settling of base wastes	Base wastes only
SM-1 SM-2 SM-3	Static Mixer	Adjust pH with NaOH to enhance solids removal	
FFT-1 FFT-2	Flocculation	Polymer addition and floc formation	
IPC-1 IPC-2	Inclined Plate Clarifier	Floc removal	
CF-1 CF-2 CF-3 CF-4	Cartridge Filter	Filtration	
SM-4	Static Mixer	Adjust pH with H <sub>2</sub> SO <sub>4</sub>	
ST-1	Acid Sludge Storage	Sludge thickening with diatomaceous earth	Sludges from acid waste treatment only
ST-2	Base Sludge Storage	Sludge thickening with diatomaceous earth	Sludges from base waste treatment only
FP-1	Filter Press	Sludge dewatering	
SD-1	Sludge Dryer	Sludge dewatering	

\*The unit numbers correspond to the unit numbers on Sheet M2.01 in license Attachment 1.

2. The wastes must be nonignitable, nonreactive, and nonradioactive wastewaters that do not contain regulated PCBs, pesticides, herbicides, medical wastes, explosives, poisons, greater than 30 mg/kg reactive cyanides, greater than 200 ppm reactive sulfides, or more than ten percent volatile organics.
3. The licensee shall treat the waste to satisfy the injection limitations set forth in the Underground Injection Control Permits for the injection wells.

**D. DESIGN, CONTAINMENT, AND ASSESSMENT OF TANK SYSTEMS**

The licensee shall operate and maintain all tank systems in accordance with the applicable requirements of R 299.9615 and 40 CFR §§264.191, 264.192, 264.193, and 264.194, which are ABR in R 299.11003, and in accordance with the attached plans in Attachment 1 of this license.

**E. MANAGEMENT OF TANK SYSTEMS**

1. The licensee shall manage the tank systems in accordance with the requirements of R 299.9615 and 40 CFR §§264.194 and 264.196, which are ABR in R 299.11003. All waste transfer pumps (TP-1 through TP-9) to the receiving tanks (RT-1 through RT-10) shall be interlocked with tank level sensors and influent and effluent valves to prevent overfilling the receiving tanks. Tank levels, valve positions, pump status, high level alarms, and leak detection alarms shall be monitored at all local and main control panels.
2. The licensee shall conduct the treatment of hazardous wastes in accordance with the methods and procedures specified in Attachment 9 of this license. {R 299.9633}
3. The licensee shall operate and maintain all tanks in compliance with the requirements of R 29.4101 to R 29.4504 pursuant to the provisions of the Fire Prevention Act, 1941 PA 207, as amended. {R 299.9615}
4. The licensee shall label tank systems in accordance with the provisions of National Fire Protection Association (NFPA) Standard No. 704. {R 299.9615(5)}
5. The licensee shall clearly mark each tank containing land disposal restricted waste with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or record such information for each tank system in the facility operating record. {R 299.9627 and 40 CFR §268.50(a)(2)(ii), which is ABR in R 299.11003}
6. The licensee shall not store any hazardous waste in the tanks referenced in Condition IV.A. of this license for more than one year prior to treatment of its contents on-site or shipment off-site to another appropriately licensed hazardous waste treatment or disposal facility. The licensee may store hazardous waste in a tank for more than the one-year period based upon a petition approved by the Chief of the Waste and Hazardous Materials Division demonstrating that such storage is solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal. {R 299.9521(3)(b), R 299.9627, and 40 CFR Part 268, which is ABR in R 299.11003}

**F. PROHIBITION ON STORING OR TREATING IGNITABLE OR REACTIVE WASTES OR MATERIALS**

The licensee is prohibited from storing or treating ignitable or reactive wastes or materials in tank systems at the facility. {R 299.9521(2)(d) and (3)(b)}

**G. SPECIAL REQUIREMENTS FOR STORAGE OR TREATMENT OF INCOMPATIBLE WASTES OR MATERIALS**

1. The licensee shall not place incompatible wastes or incompatible wastes and materials, in the same tank system or place hazardous waste in a tank system that has not been decontaminated and that previously held an incompatible waste or material. {R 299.9615 and 40 CFR §264.199, which is ABR in R 299.11003}
2. The licensee shall document compliance with Condition IV.G.1. of this license, as required by R 299.9605 and 40 CFR §264.17(c), and place this documentation in the operating record. The provisions of 40 CFR §264.17(c) are ABR in R 299.11003. {R 299.9609 and 40 CFR §264.73(b)(3), which is ABR in R 299.11003}

**H. DISPOSITION OF ACCUMULATED LIQUIDS**

1. The licensee shall remove spilled or leaked waste and accumulated precipitation from the tank system secondary containment within 24 hours of detection and manage it in accordance with the requirements of Part 111 of Act 451 and the rules, and the procedures in Attachment 10 of this license. {R 299.9521(3)(b), R 299.9615, and 40 CFR §264.193(c)(4), which is ABR in R 299.11003}
2. The licensee shall remove the contents of the Rinse Wastewater Vault and the Storm Water Run-Off Vault at least daily.

**I. COMPLIANCE WITH AIR EMISSION AND WASTE MANAGEMENT REQUIREMENTS FOR STORAGE AND TREATMENT IN TANK SYSTEMS**

The licensee shall operate the facility in a manner that will prevent air emissions in violation of Part 55, Air Pollution Control, of Act 451. {R 299.9602(1)(b)}

## PART V

### ENVIRONMENTAL MONITORING CONDITIONS

#### A. GROUNDWATER MONITORING PROGRAM

1. The licensee shall conduct a detection monitoring program. Under this program, the licensee shall operate and maintain a groundwater monitoring system consisting of monitoring wells labeled MW1, MW2, MW3, MW4, and MW5 as shown on Figure 5.00-1 of the Environmental Monitoring Sampling and Analysis Plan, Attachment 11 of this license. {R 299.9611(2)(b) and R 299.9612}

The licensee shall sample the monitoring wells in accordance with the procedures specified below:

- (a) Static water level measuring devices, pumps, and/or sampling equipment shall be compatible with the parameters sampled and must be thoroughly cleaned and rinsed before use in each monitoring well. Sampling procedures shall assure that cross-contamination and changes in water chemistry do not occur. {R 299.9612 and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
  - (b) The static water elevation shall be determined by methods giving precision to 1/8-inch or 0.01-foot prior to purging water from the wells for sampling. Measurements shall be made from the top of the casing with the elevation of all casings in the monitoring well system related to a permanent reference point, using United States Geological Survey (USGS) datum. {R 299.9612 and 40 CFR §264.97(f), which is ABR in R 299.11003}
  - (c) To ensure a representative sample, a volume of water shall be purged that is equal to or greater than three times the amount of water in the well casing, or until pH and specific conductance stabilize, or until the well is dry, before obtaining a sample for analysis as specified in Section 5.30 on page 14 of Attachment 11 of this license. Wells shall be sampled immediately after purging where recovery rates allow. Where wells are pumped dry during purging, recovery rates shall be determined and samples taken as soon as sufficient recovery occurs. {R 299.9612 and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
  - (d) Water removed from each monitoring well shall be managed as specified in Sections 5.30.2.2 and 5.30.2.4 on pages 16 and 21 of Attachment 11 of this license. {R 299.9521(3)(b)}
  - (e) All monitoring wells shall have protective barriers, be clearly labeled, securely capped, and locked when not in use. {R 299.9612 and 40 CFR §264.97(c)-(e), which are ABR in R 299.11003}
  - (f) Prior to undertaking monitoring well replacement or repair, the licensee shall obtain the written approval of the Waste and Hazardous Materials Division, unless the well has been damaged or rendered inoperable, and the location, design, and depth of the monitoring well remain unchanged. {R 299.9519(5)(c)(i)}
2. The licensee shall collect and analyze samples according to the schedule, parameters, and procedures specified in the Environmental Monitoring Sampling and Analysis Plan, Attachment 11 of this license. The licensee shall submit proposed revisions to the Groundwater Monitoring Program Sampling and Analysis Plan to the Chief of the Waste and Hazardous Materials Division for approval prior to implementation and shall revise any other affected document accordingly. If approved, the revisions shall become part of this operating license. {R 299.9519(5)(c)(ii), R 299.9611(2)(a), R 299.9612, and 40 CFR §264.97(d) and (e), which are ABR in R 299.11003}
  3. The licensee shall submit an annual groundwater report to the Chief of the Waste and Hazardous Materials Division no later than March 1 for the previous calendar year's activities. The report shall include a summary of groundwater quality data, data graphs, data tables, statistical analyses to date, and identification of any statistically significant increases (and/or pH decreases) pursuant to Conditions V.A.6. and V.A.11. of this license. The licensee shall determine the groundwater flow rate and direction in the

monitored zone at least annually, and provide a groundwater contour map from this data. This annual report is in addition to the reporting requirements of Condition II.L.3 of this license. {R 299.9612(1) and 40 CFR §264.97(j), which is ABR in R 299.11003}

4. Establishing Background. The licensee shall establish background groundwater quality values at monitoring wells MW1, MW2, MW3, MW4, and MW5 for the parameters specified in Table 5.00-1 of Attachment 11 of this license. Background sampling shall commence before waste handling operations begin at the site.
  - (a) Background values for primary parameters (metals, volatile organics) shall be established by sampling each well quarterly for one year and by calculating the means of the combined first year's quarterly results and 1996 data from wells MW1, MW2, MW3, MW4, and MW5. Within 30 days after reporting the first year's fourth quarter data, the licensee shall submit the mean background values, variance, and standard deviations for each monitored parameter at each well, and for all wells combined, to the Chief of the Waste and Hazardous Materials Division. The background data submittal shall include the proposed statistical method to be used for detection monitoring of primary parameters, which must be reviewed and approved in writing by the Waste and Hazardous Materials Division prior to implementation.
  - (b) Background values for secondary parameters (pH, specific conductance, TOX) shall be established by sampling each well quarterly for one year and by calculating the means of the combined first year's quarterly results and 1996 data from wells MW1, MW2, MW3, MW4, and MW5. Within 30 days after reporting the first year's fourth quarter data, the licensee shall submit the mean background values, variance, and standard deviations for each monitored parameter at each well, and for all wells combined, to the Chief of the Waste and Hazardous Materials Division. The background data submittal shall include the proposed statistical method to be used for detection monitoring of secondary parameters, which must be reviewed and approved in writing by the Waste and Hazardous Materials Division prior to implementation.
  - (c) In the event that groundwater quality at the upgradient wells show a significant change, a petition may be submitted to the Chief of the Waste and Hazardous Materials Division to reestablish background quality. Background values may be reestablished only upon written approval of the Chief of the Waste and Hazardous Materials Division.

{R 299.9612(1)(d) and (e) and 40 CFR §264.97(a) and (g), which are ABR in R 299.11003}
5. Detection Monitoring Program. The licensee shall conduct quarterly sampling on monitoring wells MW1, MW2, MW3, MW4, and MW5 and analyze the sample for the primary and secondary parameters listed in Table 5.00-1 of Attachment 11 of this license. Data and evaluations must be submitted to the Chief of the Waste and Hazardous Materials Division in accordance with the time frame specified in Condition II.L.3 of this license. {R 299.9612 and 40 CFR §264.98}
6. Primary Parameters. Within 60 days after each sampling of each monitoring well, the licensee shall determine if a statistically significant increase (or change in pH) has occurred compared to background levels for each primary parameter listed in Table 5.00-1 of Attachment 11 of this license. A statistically significant increase (or change in pH) shall be determined using the statistical evaluation approved by the Waste and Hazardous Material Division. {R 299.9612(1)(e) and 40 CFR §264.97(h) and (i), which are ABR in R 299.11003}
7. If a statistically significant increase (or change in pH) is detected, the licensee shall notify the Waste and Hazardous Materials Division, Hazardous Waste Section, Technical Support Unit, by telephone within one working day and in writing within seven days. The licensee will arrange a resampling within ten calendar days of the written notification to confirm if a statistically significant increase (or change in pH) exists. Resampling must include not less than four replicate samples at the affected well(s) for the primary parameter(s) in question. {R 299.9612 and 40 CFR §264.97(g), which is ABR in R 299.11003}
8. If the licensee determines pursuant to Conditions V.A.6. and V.A.7. of this license that a statistically significant increase (or change in pH) has occurred for primary parameters, the licensee shall:



- (a) Notify the Director within one working day by calling the Waste and Hazardous Materials Division permit engineer for the site or the Chief of the Waste and Hazardous Materials Division or the appropriate Waste and Hazardous Materials Division District Supervisor or, in the event of their unavailability, the MDEQ PEAS at 1-800-292-4706.
- (b) Provide follow-up notification to the Chief of the Waste and Hazardous Materials Division in writing within seven calendar days after the telephone call. The notification shall indicate what parameters or constituents have shown statistically significant changes and the well(s) in which the changes have occurred.
- (c) As soon as possible, sample the groundwater in all monitoring wells for primary and secondary parameters and determine the concentration of all constituents identified in Appendix IX of 40 CFR Part 264 that are present in the groundwater and for which approved analysis methods exist. The licensee shall also establish background values for Appendix IX constituents detected pursuant to R 299.9612 and 40 CFR §264.98(g)(3), which is ABR in R 299.11003.
- (d) Immediately take steps to determine the cause of the contamination and eliminate the source of discharge.
- (e) Within 90 days after the determination, submit to the Chief of the Waste and Hazardous Materials Division an application for a license modification to establish a compliance monitoring and corrective action program meeting the requirements of R 299.9612. The application shall include the following information:
  - (i) An identification of the concentration of all Appendix IX constituents found in the groundwater.
  - (ii) Any proposed changes to the groundwater monitoring system at the facility necessary to meet the requirements of R 299.9612.
  - (iii) Any proposed changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical procedures used at the facility necessary to meet the requirements of R 299.9612.
- (f) Within 180 days after the determination, submit to the Chief of the Waste and Hazardous Materials Division a detailed description of corrective actions that shall achieve compliance with applicable laws and rules, including a schedule of implementation. Corrective action shall also meet the requirements of R 299.9629, and include a plan for a groundwater monitoring program that shall demonstrate the effectiveness of the corrective action. Such a groundwater monitoring program may be based on a compliance monitoring program developed to meet the requirements of 40 CFR §264.99, which is ABR in R 299.11003.
- (g) During the period prior to a license modification requiring a compliance monitoring and corrective action program, the licensee shall provide the Chief of the Waste and Hazardous Materials Division, or his or her designee, with weekly telephone updates and written reports every two weeks regarding the progress to date in determining the cause of contamination and eliminating the discharge. The licensee shall include in the written report the results of all samples from environmental monitoring conducted by the licensee.

{R 299.9612 and 40 CFR §264.98(f) and (g), which are ABR in R 299.11003}

9. If the licensee determines pursuant to Conditions V.A.6. and V.A.7. of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in the groundwater, it may demonstrate that a source other than the licensed facility caused the increase (or change in pH) or that the increase (or change in pH) resulted from error in sampling, analysis or evaluation. While the licensee may make a demonstration under this condition in addition to, or in lieu of, submitting a license modification application within the time specified in Condition V.A..8.(e) of this license, the licensee is not relieved of the requirement to submit a license modification application within the time specified unless

the demonstration made under this condition successfully shows that a source other than the licensed facility caused the increase (or change in pH) or that the increase (or change in pH) resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this condition, the licensee shall:

- (a) Notify the Chief of the Waste and Hazardous Materials Division within seven days after the determination that it intends to make a demonstration under this condition.
- (b) Within 90 days after the determination, submit a report to the Chief of the Waste and Hazardous Materials Division that demonstrates that a source other than the licensed facility solely caused the increase (or change in pH), or that the increase (or change in pH) was caused by error in sampling, analysis, or evaluation.
- (c) Within 90 days after the determination, submit to the Chief of the Waste and Hazardous Materials Division an application for a license modification to make any appropriate changes to the groundwater monitoring program at the facility.
- (d) Continue to monitor groundwater in compliance with this license.

{R 299.9612 and 40 CFR §264.98(g)(6), which is ABR in R 299.11003}

- 10. In the event that the Chief of the Waste and Hazardous Materials Division determines from the findings of Conditions V.A.6. and V.A.7. of this license that a statistically significant increase (or change in pH) in hazardous constituents has occurred in the groundwater, and the Director finds, in accordance with Section 11148 of Act 451, that the increase (or change in pH) may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment, the licensee shall immediately comply with an order issued by the Director pursuant to Section 11148(1) of Act 451 to cease waste receipt, storage, and treatment at the affected unit(s) and conduct other activities as required by the Director to eliminate the said endangerment. {R 299.9612(1)(g)}
- 11. Secondary Parameters. Within 60 days after each sampling of each monitoring well, the licensee shall determine if a statistically significant increase (or change in pH) has occurred compared to background levels for each secondary parameter (pH, specific conductance, TOX). A significant increase (or change in pH) shall be determined using the statistical evaluation approved by the Waste and Hazardous Materials Division.
- 12. If the licensee determines pursuant to Condition V.A.11. of this license that a statistically significant increase (or change in pH) has occurred for any secondary parameter, the licensee shall:
  - (a) Notify the Director, within one working day, by calling the Waste and Hazardous Materials Division license engineer for the site or the Chief of the Waste and Hazardous Materials Division or the appropriate Waste and Hazardous Materials Division District Supervisor.
  - (b) Resample for both primary and secondary parameters in the affected well(s), taking not less than four samples at each well.
  - (c) Redetermine whether or not a statistically significant increase (or change in pH) has occurred in either primary or secondary parameters, and, within one working day, notify the Chief of the Waste and Hazardous Materials Division.
  - (d) If confirmed, the licensee shall immediately take steps to determine the cause of contamination and eliminate the source of the discharge. A report that explains the chronology of events, investigative methods, all lab analyses, calculations, field activities, and findings/conclusions related to this determination shall be submitted within 60 days after a statistically significant determination under Condition V.A.11. of this license.

- (e) The licensee may demonstrate that a source other than the licensed facility, or an error in sampling, analysis, or evaluation solely caused the increase. A report that contains the information set forth in Condition V.A.12.(d) of this license shall be submitted within 60 days after a statistically significant determination under Condition V.A.11. of this license.

{R 299.9612(1)(c)}

**B. AMBIENT AIR MONITORING PROGRAM**

- 1. The licensee shall conduct ambient air monitoring in accordance with the program specified in Attachment 11 of this license. {R 299.9611(2)(c)}
- 2. The licensee shall report ambient air monitoring results as required by Condition II.L.3. of this license.

**C. SOIL MONITORING PROGRAM**

- 1. The licensee shall conduct an annual soil monitoring program as described in Section 5.20 of Attachment 11 of this license. {R 299.9611(2)(d)}
- 2. The licensee shall submit a report within 60 days of collecting the last background samples for review and approval by the Waste and Hazardous Materials Division. The report shall include the data, tests for normality and homogeneity, appropriate statistics, and the proposed statistical method for comparing background data to routine monitoring data. The proposed statistical method must be approved in writing by the Waste and Hazardous Materials Division prior to implementation.
- 3. The licensee shall, within 60 days after the annual soil sampling, report in writing to the Chief of the Waste and Hazardous Materials Division the data and results of the statistical evaluation according to the statistical method approved under license Condition V.C.2.
- 4. If statistically significant increases of monitored parameters are found, the licensee shall determine the extent of contamination and excavate those soils within 90 days. The contaminated soil shall be properly characterized and managed in accordance with Part 3 of the rules, and cleanup to background levels shall be verified by soil sampling.
- 5. The licensee shall take immediate steps to eliminate the source of the contamination and to prevent further releases.
- 6. The licensee shall report soil monitoring results as required by Condition II.L.3. of this license.

**D. STORM WATER DISCHARGE MONITORING PROGRAM**

- 1. The licensee shall conduct sampling of storm water prior to and during any discharge as described in Section 5.40 of Attachment 11 of this license and the National Pollutant Discharge Elimination System (NPDES) permit for that discharge. {R 299.9521(3)(a) and (b) and R 299.9611(5)}
- 2. The licensee shall report monitoring results as required by Condition II.L.3. of this license.

**E. SANITARY SEWER MONITORING PROGRAM**

- 1. The licensee shall conduct quarterly monitoring of the sanitary sewer system in accordance with the program specified in Section 5.50 of Attachment 11 of this license to assure that the sewer will only be used for sanitary wastes.
- 2. The licensee shall report monitoring results as required by Condition II.L.3. of this license.

{R 299.9521(3)(a) and (b) and R 299.9611(5)}

**F. INJECTION MONITORING PROGRAM**

The licensee shall conduct monitoring of the waste discharged to the injection wells and of the operation of the injection wells in accordance with the program specified in the federal Underground Injection Control operating permits in effect during operation of the facility.

## **PART VI**

### **CORRECTIVE ACTION CONDITIONS**

#### **A. CORRECTIVE ACTION AT THE FACILITY**

The licensee shall implement corrective action for all releases of a contaminant from all waste management units (WMUs) at the facility, regardless of when the contaminant may have been placed in or released from the WMU. For the purposes of this license, the term "corrective action" means an action determined by the Chief of the Waste and Hazardous Materials Division to be necessary to protect the public health, safety, welfare, or the environment, and includes, but is not limited to, investigation, evaluation, cleanup, removal, remediation, monitoring, containment, isolation, treatment, storage, management, temporary relocation of people, and provision of alternative water supplies, or any corrective action allowed under Title II of the federal Solid Waste Disposal Act, or regulations promulgated pursuant to that act. {Sections 11102 and 11115a of Act 451 and R 299.9629}

#### **B. CORRECTIVE ACTION BEYOND THE FACILITY BOUNDARY**

The licensee shall implement correction action beyond the facility boundary if the release of a contaminant has or may have migrated or has or may have been emitted, beyond the facility boundary, unless the licensee demonstrates to the satisfaction of the Chief of the Waste and Hazardous Materials Division that, despite the licensee's best efforts, the licensee was unable to obtain the necessary permission to undertake this corrective action. The licensee shall not be relieved of all responsibility to clean up a release that has migrated or has been emitted beyond the facility boundary where off-site access is denied. On-site measures to address such releases shall be addressed under this part of the license, as determined to be necessary on a case-by-case basis. {Section 11115a of Act 451 and R 299.9629}

#### **C. IDENTIFICATION OF WASTE MANAGEMENT UNITS**

Within 30 days after discovery of a WMU or a release of a contaminant from a WMU, the licensee shall provide written notification to the Chief of the Waste and Hazardous Materials Division. The written notification shall include all of the following information:

1. The location of the unit on the facility topographic map.
2. The designation of the type of unit.
3. The general dimensions and structural description, including any available drawings of the unit.
4. The date the unit was operated.
5. Specification of all waste(s) that have been managed in the unit.
6. All available information pertaining to any release of a contaminant from the unit.

{Section 11115a of Act 451, R 299.9629, and 40 CFR §270.14(d), which is ABR in R 299.11003}

#### **D. DETERMINATION OF NEED FOR CORRECTIVE ACTION**

Based on a review of all of the information provided in Condition VI.C. of this license, the Chief of the Waste and Hazardous Materials Division may require a modification to this license to require corrective action and financial assurance for corrective action for the newly identified WMU(s). {Section 11115a of Act 451 and R 299.9629}

**E. CORRECTIVE ACTION NOTICE REQUIREMENTS**

1. The licensee shall execute and file a notice with the office of the register of deeds in Wayne County. The licensee shall submit verification of the execution, filing, and recording of the notice to the Chief of the Waste and Hazardous Materials Division within 60 days after the issuance of the initial operating license. The notice shall be titled "notice regarding statutory obligations applicable to property" and shall comply with all of the following requirements:
  - (a) The notice shall include a legal description of the land upon which the facility is located. The land and facility shall be referred to as "the property."
  - (b) The notice shall state that the property has been used to manage hazardous waste and is subject to the corrective action requirements of Part 111 of Act 451 and the federal RCRA as amended by the Hazardous and Solid Waste Amendments of 1984.
  - (c) The form of the notice shall comply with the requirements of 1937 PA 103, as amended, being §565.201 *et seq.*, of the Michigan Compiled Laws.
2. The licensee shall provide any new owners or operators of the facility with a copy of the notice required pursuant to the provisions of Condition VI.E.1 of this license.

{R 299.9525}

**F. CORRECTIVE ACTION MANAGEMENT UNITS**

If corrective measures include the use of a corrective action management unit, then the licensee shall comply with the requirements of R 299.9635 for corrective action management units. {R 299.9521(3)(a) and R 299.9635}

**G. TEMPORARY UNITS**

If corrective measures include the use of a temporary unit, then the licensee shall comply with the requirements of R 299.9636 for temporary units. {R 299.9521(3)(a) and R 299.9636}

## INDEX OF ATTACHMENTS

<b>No.</b>	<b>Description</b>
1	Engineering Plans
2	Waste Analysis Plan
3	Inspection Schedule
4	Training Outline
5	Contingency Plan
6	Closure Plan
7	List of Acceptable Hazardous Wastes
8	Management of Accumulated Liquids in Container Storage Area
9	Tank Treatment
10	Management of Accumulated Liquids in Tank Systems
11	Environmental Monitoring Sampling and Analysis Plan
12	Truck Route
13	Community Mitigation Agreement